

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 30, 2006

SENATE BILL

No. 1491

Introduced by Senator Kuehl

February 23, 2006

An act to add Title 1.807 (commencing with Section 1798.79.8) to Part 4 of Division 3 of the Civil Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as amended, Kuehl. Domestic violence: personal information.

Existing law regulates the collection and disclosure of personal information by government agencies and businesses related to, among others, social security numbers, business records, drivers license numbers, medical information, and credit reporting information.

This bill would prohibit any person or entity that awards grants to victim service providers, as defined, from requesting or requiring, as a condition of an award, the personally identifying information of victims of domestic violence, dating violence, sexual assault, or stalking, or their children, as specified, or the use of specified computer programs or systems that require the disclosure of that personally identifying information. The bill would also make available to any victim service provider aggrieved by a violation of those provisions, injunctive relief and court costs and attorney's fees in certain cases.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Title 1.807 (commencing with Section 1798.79.8) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.807. DOMESTIC VIOLENCE, SEXUAL
ASSAULT, AND STALKING: PERSONAL INFORMATION

1798.79.8. For purposes of this title:

(a) “Person or entity” means any individual, corporation, partnership, joint venture, or any business entity, or any state or local agency.

(b) “Personally identifying information” means:

(1) First and last name or last name only.

(2) Home or other physical address, including, but not limited to, a street name or ZIP Code, other than an address obtained pursuant to the California Safe At Home program or a business mailing address for the victim service provider.

(3) Electronic mail address or other online contact information, such as an instant messaging user identifier or a screen name that reveals an individual’s electronic mail address.

(4) Telephone number, other than a business telephone number for the victim service provider.

(5) Social security number.

(6) Date of birth, with the exception of the year of birth.

(7) Internet protocol address or host name that identifies an individual.

(8) Any other information, including, but not limited to, the first and last names of children and relatives, racial or ethnic background, or religious affiliation, that, in combination with any other nonpersonally identifying information, would serve to identify any individual.

(c) “Victim service provider” means a nongovernmental organization or entity that provides shelter ~~programs or services, at low cost, no cost, or on a sliding scale,~~ *programs, or services at low cost, no cost, or on a sliding scale* to victims of domestic violence, dating violence, sexual assault, or stalking, or their children, either directly or through other contractual arrangements, including rape crisis centers, domestic violence

1 shelters, domestic violence transitional housing programs, and
2 other programs with the primary mission to provide services to
3 victims of domestic violence, dating violence, sexual assault, or
4 stalking, or their children, whether or not that program exists in
5 an agency that provides additional services.

6 1798.79.9. (a) In the course of awarding grants, including,
7 but not limited to, requests for proposals, contracts, or billing
8 procedures, implementing programs, or providing financial
9 support or assistance for the purpose of providing shelter,
10 programs, or services at low cost, no cost, or on a sliding scale to
11 victims of domestic violence, dating violence, sexual assault, or
12 stalking, or their children, to any victim service provider, it is
13 unlawful for any person or entity to request or require that victim
14 service provider to provide personally identifying information
15 regarding any of the persons to whom it is providing services, it
16 has provided services, or it has considered or is considering
17 providing services.

18 (b) In the course of awarding grants, including, but not limited
19 to, requests for proposals, contracts, or billing procedures,
20 implementing programs, or providing financial support or
21 assistance for the purpose of providing shelter, programs, or
22 services at low cost, no cost, or on a sliding scale to victims of
23 domestic violence, dating violence, sexual assault, or stalking, or
24 their children, to any victim service provider, it is unlawful for
25 any person or entity to request or require that victim service
26 provider to use any computer software, computer program,
27 computer protocol, or other computer system that requires the
28 disclosure of personally identifying information regarding any of
29 the persons to whom it is providing services, it has provided
30 services, or it has considered or is considering providing services.

31 (c) Nothing in this section is intended to prevent the collection
32 of information for statistical purposes that are necessary for the
33 proper administration of the grant, program, or financial
34 assistance, provided that collection does not require the
35 disclosure of information that would serve to identify any
36 specific individual.

37 1798.79.95. Injunctive relief shall be available to any victim
38 service provider aggrieved by a violation of this title. The
39 prevailing plaintiff in any action commenced under this section
40 shall be entitled to recover court costs and reasonable attorney's

- 1 fees if the victim service provider has provided notice of this
- 2 section and the asserted violation of this section to the defendant
- 3 and the defendant has failed to cease the violation within five
- 4 business days of receiving that notice.

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